

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JAMES MURRAY, #101186,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 2:07-CV-108-MEF
)
RICHARD ALLEN, et al.,)
)
Defendants.)

O R D E R

The plaintiff, a state inmate, filed a 42 U.S.C. § 1983 action challenging the constitutionality of the Alabama Correctional Incentive Time Act. However, the plaintiff did not file the \$350.00 filing fee nor did he submit an original affidavit in support of a motion for leave to proceed *in forma pauperis* with the requisite documentation from the inmate account clerk at the Fountain Correctional Facility. Thus, the pleadings filed by the plaintiff therefore fail to provide the court with the information necessary for a determination of whether the plaintiff should be allowed to proceed *in forma pauperis* in this cause of action. Accordingly, it is

ORDERED that on or before February 22, 2007 the plaintiff shall file either the appropriate affidavit in support of his motion for leave to proceed *in forma pauperis* accompanied by a prison account statement from the account clerk at the Fountain Correctional Facility showing the average monthly balance in plaintiff's prison account for

the 6-month period immediately preceding the filing of this complaint and the average monthly deposits to plaintiff's account during the past six months *or* the \$350.00 filing fee.

To aid the plaintiff in complying with this order, the CLERK is DIRECTED to furnish him with a copy of the form affidavit used by persons seeking to proceed *in forma pauperis* before this court. The plaintiff is cautioned that if he fails to comply with this order the Magistrate Judge will recommend that this case be dismissed.

Done this 7th day of February, 2007.

/s/ Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE